



Express Mail No. EV758926579US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
David William James Holmes

Application No.: 09/972,572

Confirmation No.: 5361

Filed: October 3, 2001

Art Unit: 2645

For: SYSTEM AND METHOD FOR
RECOGNITION OF AND AUTOMATIC
CONNECTION USING SPOKEN ADDRESS
INFORMATION RECEIVED IN VOICE
MAILS AND LIVE TELEPHONE
CONVERSATIONS

Examiner: G. Gauthier

Declaration of Michael J. Smith Under 37 C.F.R. § 1.132

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Assistant Commissioner:

I, Michael J. Smith, declare and state that:

1. I am an authorized representative of the applicant in matters before the United States Patent and Trademark Office relating to U.S. Patent Application No. 09/972,572, filed October 3, 2001. Further, I am fully licensed to practice as a patent agent (registration no. 56,702) before the United States Patent and Trademark Office. This Declaration establishes invention of the subject matter of U.S. Patent Application No. 09/972,572 in this country prior to August 6, 2001, which is the apparent filing date of U.S. Published Patent Application No. US 2003/0026392 A1 (serial no. 09/924,224), which is pending in the name of Brown et al. ("Brown").

2. As one of applicant's authorized representatives in this matter, I have access to various files, papers, and electronic documents that show invention in this country prior to August 6, 2001. In particular, I have access to a record of an Invention Disclosure Form submitted by inventor David Holmes prior to August 6, 2001 (attached to this Declaration as "Exhibit A").

3. From prior to August 6, 2001, to October 3, 2001, applicant is believed to have diligently pursued the invention by completing the review of the draft patent application and preparing formal documentation to complete the filing materials. In particular, I have access to a record of an electronic mail forwarding a draft of the application for review (attached to this Declaration as "Exhibit B"). On October 3, 2001, applicant filed the patent application, thereby constructively reducing the invention to practice.

4. I further declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true; and further, that the statements are made with the knowledge that the making of willful or false statements or the like is punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code and may jeopardize the validity of any patent issuing from this patent application.

Dated this 3rd day of February, 2006.



Michael J. Smith

Correspondence Address:

Customer No. 30083
Perkins Coie LLP/CW
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 583-8888

Note: To use this form online, tab or arrow-key between fields; press the space bar to check boxes.

Date:

Submitter's Name: David HolmesSubmitter's Phone: 425 580 6874E-mail Address: david.holmes@attws.com

Please answer the following as completely as possible. If you already have a document that describes your idea, attach it along with this form in your e-mail.

Title of Your Idea

Automatic Connection to Number Received in Voicemail

Brief Description

When describing your idea, please address the following:

- What is it?
- How does it work?
- Describe if there is a date involved, e.g., introduction or announcement of a service or product.

The essence of this invention is to be able to recognise callback numbers spoken in a voicemail message & place calls back to them. This would be a major enhancement to users who cannot write down callback numbers or who should not be using mental effort to memorize them, or who cannot easily use received numbers in text information such as CNI or short messages to return calls. The prime benefactors would be vehicle operators, who can neither enter or manipulate text messages easily.

Objective

Use the following questions as guides to help you complete this section:

- What problem does this idea solve or what purpose does it serve?
- Do our competitors or others face the same problem? Who?

70% of all wireless MoUs are generated by drivers of vehicles. Anything that can be done to maximise this use, or at least maintain its level in the face of legislation & public pressure against driver cellphone use is beneficial to us, so long as it also helps to reduce driver distraction associated with wireless communications.

Comparison

Use the following as guides to help you complete this section:

- Describe any related work of which you are aware, e.g. past publications or other products.
- How is your idea different from what's been done before?
- What commercial benefits are derived from these differences?

Conventional callback systems require sending or receiving text, & whilst some of this can be automatic & handsfree (e.g. using voice recognition to generate text messages, or voice commanding a phone or the network to dial back to a received CNI), it is simplest for the caller to verbally leave a callback number, e-mail, or other message address to which the communication can be returned.

Implementation options:

Voicemail recognises number or address in message & sends in SMS marked specifically as a callback address when message is left, or offers specific voice entry of callback address to caller.

Network recognises number in message on replay to user & offers callback.

VR in phone or vehicle recognises callback address in replied voice message & stores locally for message return.

Message return can be activated by called party using manual or voice command to element storing extracted callback address.

Another extension of this would be for recognition of numbers to call or other addresses during live conversation (e.g. "but you can call later at 206 954 3587"), which are recognised, extracted & stored for later use in the recipient's phone or in the network.

The major difference between this & existing voice recognition systems is that the VR takes place on speech INCOMING to the user of the number. It does not (necessarily) require the person speaking the callback address to be aware that the number will be automatically processed.

Use

Use the following questions as guides to help you complete this section:

- What is the probability of commercial use? By AT&T? By others?
- Is it scheduled for use in an AT&T product or service? Which one, and when?
- Is this idea likely to be adopted by others? If so, to what extent? Why?
- Is it likely to become a standard?
- Do you see applications for the idea other than the one described above?
- How easy would it be to design around your idea?
- How easy would it be to detect the use of your invention by others?

AWS could use this in its telematics products today, as could many other telematics suppliers (e.g. OnStar).

Submitters

Include yourself and any others who collaborated with you in the development of this idea as "co-inventors."

You:

Name:	<u>David William James Holmes</u>	Phone Number:	<u>+1 425 580 6874</u>
Full Home Address: (including county)	<u>2019 213th Ave. NE</u>	Citizenship:	<u>United Kingdom</u>
	<u>Sammamish WA</u>	Manager:	<u>Rod Nelson</u>
	<u>King</u>		

"B"

Smith, Michael J. (Mike) (Perkins Coie)

From: Gregory, Richard - MP
Sent: [REDACTED]
To: David Holmes (E-mail)
Cc: @Buckley, Kathy-AT&T Wireless Services; @Tarr,Ruby-AT&T Wireless; Daley-Watson, Christopher J.
Subject: Draft patent application for Automatic Connection

David,

Enclosed, for your review, is a draft of the above-identified patent application. I have also outlined instructions for reviewing the application. Further information regarding the topics below is provided as enclosures to this letter.

After we have incorporated all of your changes, we will send the application to our word processing department for final review before filing in order to catch all typographical and grammatical errors. Once the application is in final form and has incorporated all of the substantive edits, we will send a final version to you, as well as the necessary filing forms, such as the Declaration and Assignment.

Confirm Inventorship

In the United States, patent applications are filed (and patents issue) in the name of all the inventors who made an inventive contribution as determined by at least one of the claims. If someone later discovers that the list of inventors is incorrect and this mistake resulted from bad faith, any resulting patent could be invalidated. Based on information you provided, we understand that the you are the sole inventor. After reviewing the application, please confirm or correct our list.

Review Your Application

Each inventor should review the application to ensure that it describes the invention in sufficient detail that a typical person working in the same technical area could practice the invention based on the disclosure in the application. It must also describe the preferred or "best" mode of the invention, and should claim all important aspects of the invention. After your review, please provide us with any comment regarding the application. If the comments are limited to minor revisions, please initial and date each revision on the enclosed copy (each inventor must initial and date each revision) and return the copy to us.

Publish Your Application?

The U.S. Patent Office will publish your patent application 18 months after the earliest claimed filing date **unless** we file a nonpublication request and certification at the same time we file the application. Please be advised that Pre-grant Publication has advantages and disadvantages. For more information, please refer to the enclosures.

Foreign Patent Protection

Please be aware that a few foreign countries will not allow you to claim priority to your patent application. Thus, if your invention is disclosed before filing a patent application in these countries you may be foreclosed from patent protection there. These countries (Andorra, Angola, Cape Verde Islands, Ethiopia, Gaza District, Jamaica, Namibia, Nepal, Samoa, Somalia) are typically less commercially significant than the major industrialized countries. If you are interested in pursuing foreign patent protection for your invention in any of these countries, please contact us to determine whether your patent application should now also be filed internationally.

You Must Disclose Information Related to the Invention

The Patent Office regulations require that the inventors, the patent attorney, and anyone else substantively involved in preparing or prosecuting the patent application disclose to the Patent Office any information that may bear on the patent Examiner's decision to allow the application to issue as a patent. If you or anyone associated with this application is aware of any such information that you have not previously provided to us, please let us know.

Please call or e-mail me if you have any questions. Thanks!

Rick Gregory

Perkins Coie LLP
101 Jefferson Drive
Menlo Park, CA 94025-1114
Email: greri@PerkinsCoie.com
Phone (650) 838-4408
Fax (650) 838-4350



Final ATTWS
draft.doc (74 KB)



ReviewPatApplic.doc (52 KB)



DutyDisclosure.doc (33 KB)



figure 1.tif (692 KB)



figure 2.tif (668 KB)



figure 3.tif (762 KB)



figure 4.tif (801 KB)



figure 5.tif (704 KB)



figure 6.tif (856 KB)



figure 7.tif (814 KB)